



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2422

DATE SCANNED 10-8-11

SCANNER NO. 2

SCAN OPERATOR CHP

11092670646



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2011 MAR 31 A 10:27

March 30, 2011

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Acting Staff Director

FROM: Patricia Carmona *PC*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Jodi Winship/Sari Pickeral *JP*  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2010 Year-End Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2010 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2011.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days but no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that all other political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

11092670647

11092670648

3/30/2011 4:47 PM

Federal Election Commission  
Reason to Believe Circulation Report  
2010 YEAR-END Not Election Sensitive 01/31/2011 H\_S\_P\_UNAUTH

| AF#  | Committee ID | Committee Name   | Candidate Name   | Treasurer         | Threshold | PV | Receipt Date | Days Late | LOA      | RTB Penalty |
|------|--------------|--|------------------|-------------------|-----------|----|--------------|-----------|----------|-------------|
| 2397 | C00397083    | AMERICAN TELESERVICES ASSOCIATION PAC                    |                  | TIMOTHY SEARCY    | \$171,491 | 0  | 2/17/2011    | 17        | \$6,454  | \$140       |
| 2398 | C00413856    | ASSOCIATIONS INC. PAC/ASSOCIA PAC                        |                  | NANCY CUSHMAN     | \$100,944 | 0  | 3/2/2011     | 30        | \$13,715 | \$260       |
| 2399 | C00434324    | BEN GRABER FOR CONGRESS                                  | GRABER, BENJAMIN | BENJAMIN GRABER   | \$146,008 | 0  | 2/27/2011    | 27        | \$9,600  | \$190       |
| 2400 | C00118828    | BOILERMAKERS LOCAL 85 FEDERAL POLITICAL ACTION COMMITTEE |                  | FRED E. KEITH JR. | \$108,428 | 0  | 2/28/2011    | 28        | \$874    | \$165       |
| 2401 | C00458349    | BURRIS FOR SENATE  | BURRIS, ROLAND W | RAYMOND DAVIS     | \$162,061 | 0  | 2/7/2011     | 7         | \$19,455 | \$145       |

|      |           |                                       |                            |                  |             |   |           |           |                |         |
|------|-----------|---------------------------------------|----------------------------|------------------|-------------|---|-----------|-----------|----------------|---------|
| 2403 | C00486662 | CHET D TRAYLOR FOR US SENATE CAMPAIGN | TRAYLOR, CHET D            | LARRY W. PICKETT | \$191,340   | 0 |           | Not Filed | \$95,670 (est) | \$3,850 |
| 2404 | C00326066 | CIRO RODRIGUEZ FOR CONGRESS           | RODRIGUEZ, CIRO D.         | LUIS R. VERA     | \$3,294,855 | 0 | 2/13/2011 | 13        | \$16,250       | \$175   |
| 2405 | C00467423 | CITIZENS FOR CHRIS GEISSLER           | GEISSLER, CHRISTOPHER TODD | MICHAEL JORUDD   | \$109,360   | 0 |           | Not Filed | \$21,872 (est) | \$550   |

|      |           |                                     |                          |                    |           |   |  |           |         |       |
|------|-----------|-------------------------------------|--------------------------|--------------------|-----------|---|--|-----------|---------|-------|
| 2409 | C00462531 | COMMITTEE TO ELECT DR GREG RABIDOUX | RABIDOUX, GREG ROBERT JR | KIMBERLEE E. SMITH | \$158,153 | 0 |  | Not Filed | \$3,119 | \$250 |
|------|-----------|-------------------------------------|--------------------------|--------------------|-----------|---|--|-----------|---------|-------|

11092670649

3/30/2011 4:47 PM

| AF#  | Committee ID | Committee Name  | Candidate Name         | Treasurer              | Threshold | PV | Receipt Date | Days Late | LOA             | RTB Penalty |
|------|--------------|---|------------------------|------------------------|-----------|----|--------------|-----------|-----------------|-------------|
| 2417 | C00448241    | DOUG TUDOR FOR CONGRESS                                   | TUDOR, DOUGLAS DAVID   | DOUGLAS D. TUDOR       | \$103,206 | 3  |              | Not Filed | \$12,901 (est)  | \$962       |
| 2418 | C00482588    | DOUGHERTY SENATE CAMPAIGN COMMITTEE                       | DOUGHERTY, JOHN E III  | DR. JODHA KHALSA       | \$320,109 | 0  | 2/18/2011    | 18        | \$9,744         | \$145       |
| 2420 | C00468694    | ERIC WNUCK 2010   | WNUCK, ERIC            | ERIC WNUCK             | \$434,191 | 1  |              | Not Filed | \$108,548 (est) | \$6,187     |
| 2422 | C00469247    | FERRE 2010  | FERRE, MAURICE         | ELIZABETH M. TETRAFAIT | \$569,529 | 0  | 2/7/2011     | 7         | \$11,994        | \$145       |
| 2424 | C00404350    | FRESNO COUNTY DEMOCRATIC WOMEN'S CLUB/DEMOCRATS IN ACTION |                        | HELEN WILSON           | \$106,303 | 0  | 2/28/2011    | 28        | \$8,669         | \$195       |
| 2425 | C00477646    | FRIENDS OF DAVID MADEIRA                                  | MADEIRA, DAVID JAMES   | MICHAEL LACEY          | \$120,785 | 0  |              | Not Filed | \$30,196 (est)  | \$990       |
| 2426 | C00481184    | FRIENDS OF ROSS BIELING                                   | BIELING, ROSS PARKER   | ROSS PARKER BIELING    | \$385,138 | 0  |              | Not Filed | \$128,379 (est) | \$4,950     |
| 2427 | C00483289    | HEALY FOR NY  | HEALY, TIMOTHY J       | JULIAN H. GINGOLD      | \$241,704 | 0  | 2/25/2011    | 25        | \$23,094        | \$235       |
| 2428 | C00465856    | HENDRY FOR CONGRESS                                       | HENDRY, EDDIE          | JOHN NESMITH           | \$137,863 | 0  |              | Not Filed | \$22,977 (est)  | \$550       |
| 2431 | C00478057    | JAMES MILANO FOR CONGRESS                                 | MILANO, JAMES          | PATRICIA A. FRIEDMAN   | \$296,381 | 0  | 2/25/2011    | 25        | \$3,385         | \$150       |
| 2432 | C00460642    | JIM PICCILLO FOR CONGRESS                                 | PICCILLO, JAMES JOHN   | SANDI KEEBLE           | \$286,266 | 0  |              | Not Filed | \$32,918 (est)  | \$990       |
| 2433 | C00484303    | JOHNSON FOR CONGRESS                                      | JOHNSON, HARRY CLAUD   | HARRY JOHNSON          | \$121,900 | 0  |              | Not Filed | \$60,950 (est)  | \$2,970     |
| 2434 | C00482893    | JOYCE JOHNSON FOR CONGRESS 2010                           | JOHNSON, JOYCE STANLEY | MYRNA PHILLIPS OAKLEY  | \$106,799 | 0  |              | Not Filed | \$35,800 (est)  | \$990       |
| 2438 | C00469791    | KUIPERS FOR CONGRESS                                      | KUIPERS, WAYNE         | TODD LAMBERS           | \$464,446 | 0  |              | Not Filed | \$92,869 (est)  | \$3,850     |

11092670650

3/30/2011 4:47 PM

| AF#  | Committee ID | Committee Name   | Candidate Name          | Treasurer           | Threshold   | PV | Receipt Date | Days Late | LOA             | RTB Penalty |
|------|--------------|--|-------------------------|---------------------|-------------|----|--------------|-----------|-----------------|-------------|
| 2441 | C00208322    | MANAGEMENT AND TRAINING CORPORATION POLITICAL ACTION COMMITTEE |                         | LYLE J. PARRY       | \$132,878   | 0  |              | Not Filed | \$18,983 (est)  | \$550       |
| 2442 | C00480038    | MARVIN SCOTT FOR CONGRESS 2010                                 | SCOTT, MARVIN B         | FRANK L. MILLER     | \$457,006   | 0  | 3/8/2011     | Not Filed | \$18,757        | \$550       |
| 2444 | C00475085    | MATTHEW BURKE FOR CONGRESS                                     | BURKE, MATTHEW          | JENNIFER BURKE      | \$100,517   | 0  | 3/18/2011    | Not Filed | \$549           | \$250       |
| 2445 | C00432948    | MCGOFF FOR CONGRESS  | MCGOFF, JOHN P          | MARJORIE O'LAUGHLIN | \$557,306   | 0  |              | Not Filed | \$69,663 (est)  | \$2,970     |
| 2446 | C00462804    | MIGUEL ORTIZ FOR CONGRESS                                      | ORTIZ, MIGUEL ANTONIO   | LUIS H. VERA        | \$186,923   | 0  | 2/7/2011     | 7         | \$31,662        | \$340       |
| 2447 | C00483925    | MIKE THURMOND FOR US SENATE 2010                               | THURMOND, MICHAEL LAMAR | MATTHEW WARE        | \$673,081   | 0  | 3/1/2011     | 29        | \$11,032        | \$255       |
| 2448 | C00483388    | MITCHELL FOR CONGRESS  | MITCHELL, JOHN M        | JOHN LINDLEY, III   | \$107,165   | 0  |              | Not Filed | \$35,722 (est)  | \$990       |
| 2449 | C00463406    | MORGAN FOR CONGRESS  | MORGAN, VINCENT SCOTT   | HON. RD SNYDEN      | \$157,457   | 1  |              | Not Filed | \$31,491 (est)  | \$1,237     |
| 2452 | C00469817    | PLUMMER FOR CONGRESS   | PLUMMER, GLENN RODNEY   | WILBERT SEARS       | \$108,514   | 0  |              | Not Filed | \$27,129 (est)  | \$990       |
| 2456 | C00474700    | ROBBIE WILLS FOR CONGRESS                                      | WILLS, ROBERT DALE JR   | JERRY ADAMS         | \$1,264,153 | 0  |              | Not Filed | \$252,831 (est) | \$8,800     |
| 2457 | C00462309    | RUTH MCCLUNG FOR CONGRESS                                      | MCCLUNG, RUTH CRAWFORD  | ANNE LOFTFIELD      | \$1,421,439 | 0  | 2/8/2011     | 8         | \$12,453        | \$150       |
| 2458 | C00014092    | SAN BERNARDINO COUNTY REPUBLICAN CENTRAL COMMITTEE-FEDERAL     |                         | KIRK LARSON         | \$116,381   | 0  | 2/18/2011    | 18        | \$344           | \$115       |
| 2462 | C00473603    | STEVE CLARK FOR CONGRESS                                       | CLARK, STEVE            | RICK DIRKSE         | \$1,236,249 | 1  |              | Not Filed | \$309,062 (est) | \$11,000    |

11092670651

3/30/2011 4:47 PM

| AF#  | Committee ID | Committee Name   | Candidate Name       | Treasurer              | Threshold   | PV | Receipt Date | Days Late | LOA             | RTB Penalty |
|------|--------------|--|----------------------|------------------------|-------------|----|--------------|-----------|-----------------|-------------|
| 2464 | C00475772    | THE COMMITTEE TO ELECT<br>DINO LAVERGHETTA               | LAVERGHETTA, DINO    | ROSE<br>LAVERGHETTA    | \$205,205   | 0  |              | Not Filed | \$34,201 (est)  | \$990       |
| 2465 | C00475038    | THOMAS C CASTELLANO<br>CAMPAIGN FUND                     | CASTELLANO, THOMAS C | MARK A.<br>GARCIA      | \$102,513   | 0  |              | Not Filed | \$20,503 (est)  | \$550       |
| 2467 | C00469304    | TOM WIENS FOR US SENATE<br>INC                           | WIENS, THOMAS J      | FRANK SHAW             | \$3,133,345 | 0  |              | Not Filed | \$783,336 (est) | \$11,000    |
| 2468 | C00335091    | TRANSPORTATION<br>INTERMEDIARIES<br>ASSOCIATION'S TIAPAC |                      | ROBERT A.<br>VOLTSMANN | \$107,050   | 0  | 2/24/2011    | 24        | \$4,300         | \$145       |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2010 )  
Year-End Report for the Administrative )  
Find Program: )

MIKE THURMOND FOR US SENATE ) AF# 2447  
2010, and MATTHEW WARE as treasurer; )  
BOILERMAKERS LOCAL 85 FEDERAL ) AF# 2400  
POLITICAL ACTION COMMITTEE, and )  
FRED E KEITH JR as treasurer; )  
FRESNO COUNTY DEMOCRATIC ) AF# 2424  
WOMEN'S CLUB/DEMOCRATS IN )  
ACTION, and HELEN WILSON as )  
treasurer; )  
BEN GRABER FOR CONGRESS, and ) AF# 2399  
BENJAMIN GRABER as treasurer; )  
HEALY FOR NY, and JULIAN H ) AF# 2427  
GINGOLD as treasurer; )  
JAMES MILANO FOR CONGRESS, and ) AF# 2431  
PATRICIA A FRIEDMAN as treasurer: )

TRANSPORTATION INTERMEDIARIES ) AF# 2468  
ASSOCIATION'S TIAPAC, and ROBERT )  
A VOLTMANN as treasurer; )  
DOUGHERTY SENATE CAMPAIGN ) AF# 2418  
COMMITTEE, and DR JODHA KHALSA )  
as treasurer; )  
SAN BERNARDINO COUNTY ) AF# 2458  
REPUBLICAN CENTRAL COMMITTEE- )  
FEDERAL, and LARSON, KIRK as )  
treasurer; )

11092670652

Federal Election Commission  
Certification for Administrative Fines  
April 01, 2011

Page 2

AMERICAN TELESERVICES ) AF# 2397  
ASSOCIATION PAC, and SEARCY, TIM )  
MR. as treasurer; )  
CIRO RODRIGUEZ FOR CONGRESS, ) AF# 2404  
and VERA, LUIS R. MR. as treasurer; )

RUTH MCCLUNG FOR CONGRESS, and ) AF# 2457  
ANNE LOFTFIELD as treasurer; )  
BURRIS FOR SENATE, and RAYMOND ) AF# 2401  
DAVIS as treasurer; )  
FERRE 2010, and ELIZABETH M ) AF# 2422  
TETREAULT as treasurer; )  
MIGUEL ORTIZ FOR CONGRESS, and ) AF# 2446  
LUIS H VERA as treasurer; )

CHET D TRAYLOR FOR US SENATE ) AF# 2403  
CAMPAIGN, and LARRY W PICKETT as )  
treasurer; )  
CITIZENS FOR CHRIS GEISSLER, and ) AF# 2405  
MICHAEL JORUDD as treasurer; )

STEVEN "BO" SMITH as treasurer; )  
COMMITTEE TO ELECT DR GREG ) AF# 2409  
RABIDOUX, and KIMBERLEE E SMITH )  
as treasurer; )

11092670653



Federal Election Commission  
Certification for Administrative Fines  
April 01, 2011

Page 3

11092670654

DOUG TUDOR FOR CONGRESS, and ) AF# 2417  
DOUGLAS D. TUDOR as treasurer; )

ERIC WNUCK 2010, and ERIC WNUCK ) AF# 2420  
as treasurer; )

FRIENDS OF DAVID MADEIRA, and ) AF# 2425  
MICHAEL LACEY as treasurer; )  
FRIENDS OF ROSS BIELING, and ) AF# 2426  
BIELING, ROSS PARKER as treasurer; )  
HENDRY FOR CONGRESS, and JOHN ) AF# 2428  
NESMITH as treasurer; )  
JIM PICCILLO FOR CONGRESS, and ) AF# 2432  
SANDI KEEBLE as treasurer; )  
JOHNSON FOR CONGRESS, and ) AF# 2433  
HARRY JOHNSON as treasurer; )  
JOYCE JOHNSON FOR CONGRESS ) AF# 2434  
2010, and MYRNA PHILLIPS OAKLEY )  
as treasurer; )

KUPERS FOR CONGRESS, and TODD ) AF# 2438  
LAMBERS as treasurer; )

Federal Election Commission  
Certification for Administrative Fines  
April 01, 2011

Page 4

11092670655

---

|                                    |   |          |
|------------------------------------|---|----------|
| MANAGEMENT AND TRAINING            | ) | AF# 2441 |
| CORPORATION POLITICAL ACTION       | ) |          |
| COMMITTEE, and LYLE J PARRY as     | ) |          |
| treasurer;                         | ) |          |
| MARVIN SCOTT FOR CONGRESS 2010,    | ) | AF# 2442 |
| and FRANK L MUZZILLO as treasurer; | ) |          |

|                                    |   |          |
|------------------------------------|---|----------|
| MATTHEW BURKE FOR CONGRESS,        | ) | AF# 2444 |
| and BURKE, JENNIFER as treasurer;  | ) |          |
| MCGOFF FOR CONGRESS, and           | ) | AF# 2445 |
| O'LAUGHLIN, MARJORIE as treasurer; | ) |          |
| MITCHELL FOR CONGRESS, and JOHN    | ) | AF# 2448 |
| LINDLEY III as treasurer;          | ) |          |
| MORGAN FOR CONGRESS, and           | ) | AF# 2449 |
| SNYDEN, RD HON. as treasurer;      | ) |          |

---

|                             |   |          |
|-----------------------------|---|----------|
| PLUMMER FOR CONGRESS, and   | ) | AF# 2452 |
| WILBERT SEARS as treasurer; | ) |          |

---

|                                |   |          |
|--------------------------------|---|----------|
| ROBBIE WILLS FOR CONGRESS, and | ) | AF# 2456 |
| JERRY ADAMS as treasurer;      | ) |          |

---

|                               |   |          |
|-------------------------------|---|----------|
| STEVE CLARK FOR CONGRESS, and | ) | AF# 2462 |
| RICK DIRKSE as treasurer;     | ) |          |
| THE COMMITTEE TO ELECT DINO   | ) | AF# 2464 |
| LAVERGHETTA, and LAVERGHETTA, | ) |          |
| ROSE as treasurer;            | ) |          |

THOMAS C CASTELLANO CAMPAIGN ) AF# 2465  
FUND, and MARK A GARCIA as )  
treasurer; )

TOM WIENS FOR US SENATE INC, and ) AF# 2467  
FRANK SHAW as treasurer; )

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 01, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2010 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 30, 2011, on the following committees:

AF#2398 Decided by a vote of 6-0 to: (1) find reason to believe that ASSOCIATIONS INC. PAC/ASSOCIA PAC, and CUSHMAN, NANCY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2447 Decided by a vote of 6-0 to: (1) find reason to believe that MIKE THURMOND FOR US SENATE 2010, and MATTHEW WARE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092670656

AF#2400 Decided by a vote of 6-0 to: (1) find reason to believe that BOILERMAKERS LOCAL 85 FEDERAL POLITICAL ACTION COMMITTEE, and FRED E KEITH JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2424 Decided by a vote of 6-0 to: (1) find reason to believe that FRESNO COUNTY DEMOCRATIC WOMEN'S CLUB/DEMOCRATS IN ACTION, and HELEN WILSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2399 Decided by a vote of 6-0 to: (1) find reason to believe that BEN GRABER FOR CONGRESS, and BENJAMIN GRABER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2427 Decided by a vote of 6-0 to: (1) find reason to believe that HEALY FOR NY, and JULIAN H GINGOLD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2431 Decided by a vote of 6-0 to: (1) find reason to believe that JAMES MILANO FOR CONGRESS, and PATRICIA A FRIEDMAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2468 Decided by a vote of 6-0 to: (1) find reason to believe that TRANSPORTATION INTERMEDIARIES ASSOCIATION'S TIAPAC, and ROBERT A VOLTSMANN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report;

11092670657

(2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2418 Decided by a vote of 6-0 to: (1) find reason to believe that DOUGHERTY SENATE CAMPAIGN COMMITTEE, and DR JODHA KHALSA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2458 Decided by a vote of 6-0 to: (1) find reason to believe that SAN BERNARDINO COUNTY REPUBLICAN CENTRAL COMMITTEE-FEDERAL, and LARSON, KIRK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2397 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN TELESERVICES ASSOCIATION PAC, and SEARCY, TIM MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2404 Decided by a vote of 6-0 to: (1) find reason to believe that CIRO RODRIGUEZ FOR CONGRESS, and VERA, LUIS R. MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2457 Decided by a vote of 6-0 to: (1) find reason to believe that RUTH MCCLUNG FOR CONGRESS, and ANNE LOFTFIELD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092670658

AF#2401 Decided by a vote of 6-0 to: (1) find reason to believe that BURRIS FOR SENATE, and RAYMOND DAVIS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2422 Decided by a vote of 6-0 to: (1) find reason to believe that FERRE 2010, and ELIZABETH M TETREAULT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2446 Decided by a vote of 6-0 to: (1) find reason to believe that MIGUEL ORTIZ FOR CONGRESS, and LUIS H VERA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2403 Decided by a vote of 6-0 to: (1) find reason to believe that CHET D TRAYLOR FOR US SENATE CAMPAIGN, and LARRY W PICKETT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2405 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS FOR CHRIS GEISLER, and MICHAEL JORUDD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092670659

11092670660

AF#2409 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT DR GREG RABIDOUX, and KIMBERLEE E SMITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092670661

AF#2417 Decided by a vote of 6-0 to: (1) find reason to believe that DOUG TUDOR FOR CONGRESS, and DOUGLAS D. TUDOR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2420 Decided by a vote of 6-0 to: (1) find reason to believe that ERIC WNUCK 2010, and ERIC WNUCK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.



11092670662

AF#2425 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF DAVID MADEIRA, and MICHAEL LACEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2426 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF ROSS BIELING, and BIELING, ROSS PARKER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2428 Decided by a vote of 6-0 to: (1) find reason to believe that HENDRY FOR CONGRESS, and JOHN NESMITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2432 Decided by a vote of 6-0 to: (1) find reason to believe that JIM PICCILLO FOR CONGRESS, and SANDI KEEBLE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2433 Decided by a vote of 6-0 to: (1) find reason to believe that JOHNSON FOR CONGRESS, and HARRY JOHNSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2434 Decided by a vote of 6-0 to: (1) find reason to believe that JOYCE JOHNSON FOR CONGRESS 2010, and MYRNA PHILLIPS OAKLEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092670663

AF#2438 Decided by a vote of 6-0 to: (1) find reason to believe that KUIPERS FOR CONGRESS, and TODD LAMBERS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2441 Decided by a vote of 6-0 to: (1) find reason to believe that MANAGEMENT AND TRAINING CORPORATION POLITICAL ACTION COMMITTEE, and LYLE J PARRY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2442 Decided by a vote of 6-0 to: (1) find reason to believe that MARVIN SCOTT FOR CONGRESS 2010, and FRANK L MUZZILLO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2444 Decided by a vote of 6-0 to: (1) find reason to believe that MATTHEW BURKE FOR CONGRESS, and BURKE, JENNIFER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2445 Decided by a vote of 6-0 to: (1) find reason to believe that MCGOFF FOR CONGRESS, and O'LAUGHLIN, MARJORIE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2448 Decided by a vote of 6-0 to: (1) find reason to believe that MITCHELL FOR CONGRESS, and JOHN LINDLEY III as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2449 Decided by a vote of 6-0 to: (1) find reason to believe that MORGAN FOR CONGRESS, and SNYDEN, RD HON. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092670664

11092670665

AF#2452 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMMER FOR CONGRESS, and WILBERT SEARS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2456 Decided by a vote of 6-0 to: (1) find reason to believe that ROBBIE WILLS FOR CONGRESS, and JERRY ADAMS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

11092670686

AF#2462 Decided by a vote of 6-0 to: (1) find reason to believe that STEVE CLARK FOR CONGRESS, and RICK DIRKSE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2464 Decided by a vote of 6-0 to: (1) find reason to believe that THE COMMITTEE TO ELECT DINO LAVERGHETTA, and LAVERGHETTA, ROSE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2465 Decided by a vote of 6-0 to: (1) find reason to believe that THOMAS C CASTELLANO CAMPAIGN FUND, and MARK A GARCIA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2467 Decided by a vote of 6-0 to: (1) find reason to believe that TOM WIENS FOR US SENATE INC, and FRANK SHAW as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Federal Election Commission  
Certification for Administrative Fines  
April 01, 2011

Page 16

Attest:

April 4, 2011  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary

11092670667



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 4, 2011

Elizabeth M. Tetreault, in official capacity as Treasurer  
Ferre 2010  
7480 SW 40 Street, Suite 560  
Miami, FL 33155

C00469247  
AF#: 2422

Dear Ms. Tetreault:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2010, shall be filed no later than January 31, 2011. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on February 7, 2011, seven (7) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 1, 2011, the FEC found that there is reason to believe ("RTB") that Ferre 2010 and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2011. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$145. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$145 is due within forty (40) days of the finding, or by May 11, 2011, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$11,994  
Number of Days Late: 7  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

Commission's RTB finding, or May 11, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Ferre 2010 and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

## **3. If You Choose to Pay the Civil Money Penalty**



If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

  
Cynthia L. Bauerly  
Chair

-----  
**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$145 for the 2010 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by May 11, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
-----

FOR: Ferre 2010

FEC ID#: C00469247

AF#: 2422

PAYMENT DUE DATE: May 11, 2011

PAYMENT AMOUNT DUE: \$145

11092670671

**FEC OFFICE OF  
ADMIN REVIEW**

**2011 MAY 18 A 11:57**

Elizabeth M. Tetreault  
Treasurer  
Ferre 2010  
7480 SW 40 Street, Suite 560  
Miami, FL 33155  
May 10, 2011

Federal Election Commission  
Office of Administrative Review  
999 E Street, NW  
Washington, DC 20463

Re: AF# 2422

Dear FEC Commissioners and staff:

Thank you for affording me the opportunity to address the fine which you have imposed on the Ferre2010 Committee C00469247.

Our year-end report was mailed to you on January 31, 2011 from the Miami General Mail Facility at 2200 NW 72<sup>nd</sup> Avenue, Miami, Florida. Unlike previous and subsequent reports, it was not sent by registered or certified mail. I had phoned your offices on Tuesday, January 25<sup>th</sup> and again on Wednesday, January 26<sup>th</sup> to ask some FEC Form 3 Schedule related questions. At that time, I also asked whether the report needed to be received by January 31<sup>st</sup> or postmarked by that date. I was told that the postmark needed to be January 31<sup>st</sup> and that Priority mailing was sufficient.

Unfortunately, that was incorrect. I would request a waiver of the fine on behalf of the campaign, as we used best efforts to meet the postmark deadline, albeit with improper information and hence, improper method of mailing.

Thank you for your consideration, and you can be assured that all reports, including this letter will be sent by registered or certified mail.

Respectfully,



Elizabeth Tetreault, Treasurer  
Ferre 2010

11092670672



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

May 18, 2011

Elizabeth M. Tetreault, in official capacity as Treasurer  
Ferre 2010  
7480 SW 40 Street, Suite 560  
Miami, FL 33155

C00469247  
AF# 2422

Dear Treasurer:

On May 18, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown", is written over a horizontal line.

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

11092670673

**FEC OFFICE OF  
ADMIN REVIEW**

**2011 MAY 19 P 2: 50**

**Date: May 19, 2011**

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2422**

**Committee Name: Ferre 2010**

**Committee ID#: C00469247**

**Committee Address (if different than in RTB letter): N**

**Treasurer Name (if different than in RTB finding): N**

**Attachments:**

**Copy of RTB Circulation Report, dated March 30, 2011 and RTB Certification,  
dated April 4, 2011 (Y/N): N**

**Attachment #: N/A**

**Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**

**Attachment #: 1**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2010 Year End Report Prior Notice, dated December 27, 2010.**

**-RTB Letter, dated April 4, 2011.**

**Attachment #: 3**

**Other RAD Information: (Y/N): N**

**Attachment#: N/A**

11092670674



## Delivery Notification

**Dear Customer,**

**This notice serves as proof of delivery for the shipment listed below.**

**Tracking Number:** 1Z WF5 860 A2 9334 145 9  
**Reference Number(s):** RAD, 2422  
**Service:** NEXT DAY AIR  
**Special Instructions:** ADULT SIGNATURE REQUIRED  
**Shipped/Billed On:** 04/01/2011  
**Delivered On:** 04/05/2011 1:02 P.M.  
**Delivered To:**

MIAMI, FL, US 33155

**Signed By:**

**ESCOBEDO**

**Location:**

OFFICE

**Thank you for giving us this opportunity to serve you.**

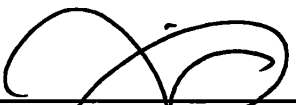
**Sincerely,  
UPS**

Tracking results provided by UPS: 04/06/2011 9:05 A.M. ET

51092670675

## **DECLARATION OF JODI WINSHIP**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Ferre 2010:
  - A) Prior Notice, dated December 27, 2010 referencing the 2010 Year End Report (sent via electronic mail to: FLORIDA4FERRE@GMAIL.COM);
  - B) Reason-to-Believe Letter, dated April 4, 2011, referencing the 2010 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that Ferre 2010 filed the 2010 Year End Report with the Commission on February 7, 2011.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 19<sup>th</sup> day of May, 2011.



Jodi Winship  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



YEAR-END

# REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 27, 2010

## CURRENT REPORT DUE

### I. 2010 GENERAL ELECTION CANDIDATES

| REPORT   | PERIOD              | REG./CERT. & POST ELECTION MAILING DEADLINE | FILING DEADLINE |
|----------|---------------------|---|-----------------|
| Year-End | 11/23/10 - 12/31/10 | 01/31/11                                    | 01/31/11        |

### II. UNSUCCESSFUL 2010 PRIMARY ELECTION CAMPAIGN COMMITTEES AND CANDIDATES NOT ACTIVE IN 2010 ELECTIONS

| REPORT   | PERIOD              | REG./CERT. & POST ELECTION MAILING DEADLINE | FILING DEADLINE |
|----------|---------------------|---|-----------------|
| Year-End | 10/01/10 - 12/31/10 | 01/31/11                                    | 01/31/11        |

### NOTE FOR COMMITTEES NOT REQUIRED TO FILE A POST-GENERAL ELECTION REPORT CHART II (see above)

For candidates who ran in 2010 but did not participate in the general election, the reporting period for the Year-End Report spans two election cycles. For this report only, committees should instead use the Post-Election Detailed Summary Page (FEC Form 3, Pages 5-8). Committees should not use the normal Detailed Summary Page.

[Click here for Supplemental Filing Information](#)

[See Page 2 for 2011 Reporting Schedule](#)

<sup>1</sup>A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.



## REPORTING SCHEDULE FOR 2011

| REPORT            | CLOSE OF<br>BOOKS <sup>1</sup> | REGULATORY &<br>OVERSIGHT<br>FILING DEADLINE | REPORT<br>DUE DATE    |
|-------------------|--------------------------------|--|-----------------------|
| April Quarterly   | 03/31/11                       | 04/15/11                                     | 04/15/11              |
| July Quarterly    | 06/30/11                       | 07/15/11                                     | 07/15/11              |
| October Quarterly | 09/30/11                       | 10/15/11                                     | 10/15/11 <sup>2</sup> |
| Year-End          | 12/31/11                       | 01/31/12                                     | 01/31/12              |

**[Click here for Supplemental Filing Information](#)**

<sup>1</sup>A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup>Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's close of business on the last business day before the deadline.

## 2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file a Year-End Report on January 31, 2011. <sup>2</sup>

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

---

<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

### Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>2</sup>

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice).

See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

## 2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

## IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

---

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2011 JUN 29 P 14

**SENSITIVE**

June 29, 2011

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2422 – Ferre 2010 and  
Elizabeth Tetreault in her official capacity as Treasurer (C00469247)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092670681



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 29, 2011

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2422 – Ferre 2010 and Elizabeth Tetreault, in her official capacity as Treasurer  
(C00469247)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$145 civil money penalty.

**Reason-to-Believe Background**

On April 1, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 Year End Report, an election sensitive report, and made a preliminary determination that the civil money penalty was \$145, based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated April 4, 2011, was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Year End Reports sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by an overnight delivery service with an on-line tracking system and scheduled for next business day delivery must be postmarked or deposited with the mailing service no later than January 31 to be timely filed. Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On May 18, 2011, the Commission received the written response ("challenge") from the Treasurer requesting a waiver of the fine given their best efforts to meet the postmark deadline. The Treasurer states that the Year End Report was mailed on January 31, however, unlike prior and subsequent reports, it was not sent via registered or certified mail. She states that she called the Commission on January 25 and 26 with reporting questions and at that time asked if the report needed to be received by January 31 or postmarked by that date. The Treasurer states that she was incorrectly told the report needed to be postmarked by January 31 and that Priority mailing was sufficient.

11092670683

## **Analysis**

The Year End Report was received on February 7, 7 days late.

The respondents contend that they used their best efforts to meet the postmark deadline, but were given incorrect information and subsequently used the improper method of filing. The information the Treasurer states she received, however, is correct. Had the report been postmarked January 31 and sent via Priority mail (with delivery confirmation), or using any of the other 2 U.S.C. § 434(a)(5) "safe harbor" options, it would have been considered filed on the January 31 postmark date, and thus have been sufficiently and timely filed. The Treasurer, however, did not take the advice she states she received, and send the report via Priority mail. Instead, she sent the report by first class mail. As a result, the report is considered filed on the day it was received, February 7.

The regulations are clear that a best efforts defense will only succeed if the respondents are prevented from timely filing due to reasonably unforeseen circumstances beyond their control. 11 C.F.R. § 111.35(b)(3)(i). Submitting the report via one of the "safe harbor" mailing options, as they specifically state they were advised they could do, was well within the respondents' control; therefore, their best efforts defense does not succeed.

Their challenge fails to address any of the three valid grounds at 11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The other issue raised in the challenge (future reports will be sent by registered or certified mail), also does not fall within the list of defenses enumerated at 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$145.

## **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2422 involving Ferre 2010 and Elizabeth Tetreault, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2422 that Ferre 2010 and Elizabeth Tetreault, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, assess a civil money penalty of \$145; and
- (3) Send the appropriate letter.

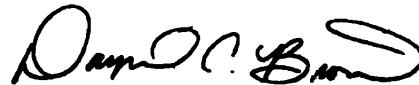
Reviewing Officer: Dayna C. Brown

## **Attachments**

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Declaration from RAD
- Attachment 3 – Declaration from OAR

**DECLARATION OF DAYNA C. BROWN**

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 Year End Report is due January 31, 2011. Senate principal campaign committees must file reports with the Secretary of the Senate. If the report is sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by overnight delivery service with an on-line tracking system and scheduled for next business day delivery, it must be postmarked, or delivered to the service, by the close of business on January 31 to be timely filed. If sent by first class mail, it must be received by January 31 to be timely filed.
3. It is the practice of the Office of Public Records, Secretary of the Senate to date stamp each report as it is received and complete an envelope processing page disclosing the method used to file the report as well as either the date of receipt or postmark.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of Page 1 of the Summary Page, the envelope, and the Senate Office of Public Records postmark sheet for the 2010 Year End Report filed by Ferre 2010 and Elizabeth Tetreault, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1 through December 31, 2010, was sent on January 31, 2011 via first class mail and received on February 7, 2011.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 29<sup>th</sup> of June, 2011.



Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

11092670684

11092670685

FEC  
FORM 3

**REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For An Authorized Committee

SECRETARY OF THE SENATE

11 FEB -7 AM 10:50

Office Use Only

1. NAME OF  
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: if typing, type  
over the lines.

12FE4M5

FEBRE 2010

ADDRESS (number and street)

7480 SW 40 STREET

SUITE 560

MIAMI

FL

33155-6657

☒ Check if different  
than previously  
reported. (ACC)

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

000469247

3. IS THIS  
REPORT

☒ NEW

(N)

OR

☐ AMENDED

(A)

FL

09

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

☐

April 15 Quarterly Report (Q1)

☐

July 15 Quarterly Report (Q2)

☐

October 15 Quarterly Report (Q3)

☒

January 31 Year-End Report (YE)

☐

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

☐

Primary (12P)

☐

General (12G)

☐

Runoff (12R)

☐

Convention (12C)

☐

Special (12S)

Election on

M M

D D

Y Y Y Y

in the  
State of

(c) 30-Day POST-Election Report for the:

☐

General (30G)

☐

Runoff (30R)

☐

Special (30S)

Election on

M M

D D

Y Y Y Y

in the  
State of

5. Covering Period

10

01

2010

through

12

31

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Elizabeth Tebrant

Signature of Treasurer

Elizabeth M. Tebrant

Date

01

31

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only

FEC FORM 3  
(Revised 02/2003)

FESAND18

11020062322



2010

SW 40 St.

560

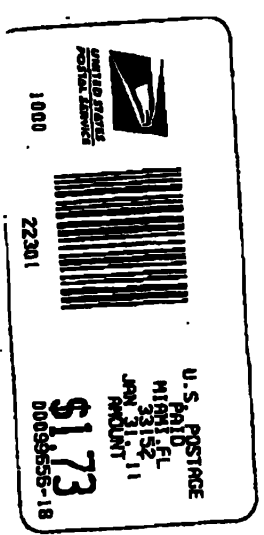
FL 33155-6657

To: Office of Public Records

PO Box 2817

Alexandria, VA

22301-0817



98907926011

64E29002011

NANCY ERICKSON  
SECRETARY

DANA K. MCCALLUM  
SUPERINTENDENT

HART SENATE OFFICE BUILDING  
SUITE 232  
WASHINGTON, DC 20510-7116  
PHONE: (202) 224-0322

# United States Senate

OFFICE OF THE SECRETARY

OFFICE OF PUBLIC RECORDS

THE PRECEDING DOCUMENT WAS:

HAND DELIVERED \_\_\_\_\_

Date of Receipt

USPS FIRST CLASS MAIL \_\_\_\_\_

01-31-11

Postmark

USPS REGISTERED/CERTIFIED \_\_\_\_\_

Postmark

USPS PRIORITY MAIL \_\_\_\_\_

Postmark

DELIVERY CONFIRMATION OR SIGNATURE CONFIRMATION LABEL ☐

USPS EXPRESS MAIL \_\_\_\_\_

Postmark

## OVERNIGHT DELIVERY SERVICE:

SHIPPING DATE

NEXT BUSINESS DAY DELIVERY

FEDERAL EXPRESS \_\_\_\_\_

☐

UPS \_\_\_\_\_

☐

DHL \_\_\_\_\_

☐

AIRBORNE EXPRESS \_\_\_\_\_

☐

RECEIVED FROM FEDERAL ELECTION COMMISSION \_\_\_\_\_

Date of Receipt

POSTMARK ILLEGIBLE ☐

NO POSTMARK ☐

FAX \_\_\_\_\_

Date of Receipt

OTHER \_\_\_\_\_

Date of Receipt or Postmark

PREPARER

RD

DATE PREPARED

02-07-11

11092670687

11020062350



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

June 30, 2011

Elizabeth M. Tetreault, in her official capacity as Treasurer  
Ferre 2010  
7480 SW 40 Street  
Suite 560  
Miami, FL 33155

C00469247  
AF# 2422

Dear Ms. Tetreault:

On April 1, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Ferre 2010 and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$145 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

Attachment

11092670688



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2011 JUL 19 A 8:47

July 18, 2011

**SENSITIVE**

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Acting Staff Director

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DB*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2422 – Ferre 2010 and  
Elizabeth M. Tetreault, in her official capacity as Treasurer (C00469247)

On April 1, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 Year End Report and also made a preliminary determination that the civil money penalty was \$145 based on the schedule of penalties at 11 C.F.R. § 111.43.

On May 18, 2011, the Commission received their written response ("challenge") from the Treasurer. After reviewing the challenge, the Reviewing Officer's recommendation dated June 29, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$145 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

**OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2422 involving Ferre 2010 and Elizabeth Tetreault, in her official capacity as Treasurer, in making the final determination;

11092670689

- (2) Make a final determination in AF# 2422 that Ferre 2010 and Elizabeth Tetreault, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, assess a civil money penalty of \$145; and
- (3) Send the appropriate letter.

11092670690



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

2011 JUL 26 P 1:44

July 26, 2011

MEMORANDUM

**SENSITIVE**

To: The Commission

Through: Alec Palmer  
Acting Staff Director *AP*

From: Patricia Carmona *PC*  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Errata - Final Determination Recommendation in AF# 2422 – Ferre 2010 and Elizabeth Tetreault, in her official capacity as Treasurer (C00469247)

The Office of Administrative Review submits an Errata, clarifying that the Year End Report the Commission found reason to believe ("RTB") the respondents failed to timely file, is a non-election sensitive report.

The April 4, 2011 RTB letter notifying the respondents of the Commission's RTB finding and civil money penalty, correctly informed them that the Year End Report was not election sensitive and explained that this was a factor used to calculate their civil money penalty. The Reviewing Officer Recommendation ("ROR") sent to the respondents on June 30, in response to their May 18 challenge, incorrectly classified the Year End Report as election sensitive. This classification has no effect on the Analysis within the ROR, and given that the ROR did not recommend a change in the civil money penalty correctly calculated at RTB, it also has no effect on the Final Determination Recommendation or the civil money penalty included therein.

In summation, the respondents' filed the Year End Report on February 7, disclosing total receipts of \$6,260 and total disbursements of \$5,734 for a total level of activity of \$11,994. Using the schedule of penalties at 11 C.F.R. § 111.43(a), the level of activity bracket of \$10,000-24,999.99, for a non-election sensitive report filed seven (7) days late by respondents with no previous violations, the civil money penalty is  $[\$110 + (\$5 \times 7)] \times [1 + (.25 \times 0)]$  or \$145, as noted in the RTB Recommendation, as well as in the Final Determination Recommendation circulated to the Commission on July 19, 2011.

11092670691

On July 26, 2011, the Reviewing Officer called the Committee's Treasurer, Elizabeth Tetreault, and informed her that the ROR sent to her on June 30 incorrectly classified the Year End Report as election sensitive. I clarified that this does not impact the recommendation or the calculation of the penalty because the fine was calculated using the schedule of penalties for non-election sensitive reports, as explained in the RTB letter she received in April. Ms. Tetreault stated that she understood and is prepared to pay the penalty should the Commission agree with the ROR.

11092670692

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation – ) AF 2422  
Ferre 2010 and Elizabeth M. Tetreault, in )  
her official capacity as Treasurer )  
(C00469247) )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 28, 2011, the Commission decided by a vote of 4-0 to take the following actions in AF 2422:

1. Adopt the Reviewing Officer recommendation for AF# 2422 involving Ferre 2010 and Elizabeth M. Tetreault, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2422 that Ferre 2010 and Elizabeth M. Tetreault, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$145.
3. Send the appropriate letter.

Commissioners Bauerly, McGahn II, Petersen, and Weintraub voted affirmatively for the decision. Commissioners Hunter and Walther did not vote.

Attest:

July 29, 2011  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

11092670693





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 3, 2011

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Elizabeth M. Tetreault, in official capacity as Treasurer  
Ferre 2010  
7480 SW 40 Street  
Suite 560  
Miami, FL 33155

C00469247  
AF# 2422

Dear Ms. Tetreault:

On April 1, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Ferre 2010 and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 Year End Report. By letter dated April 4, 2011, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$145 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On May 18, 2011, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Ferre 2010 and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$145 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on June 30, 2011.

On July 28, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Ferre 2010 and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$145. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in

11092670694

which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

**If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

**If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,

  
Cynthia L. Bauerly  
Chair

Attachment

-----

## ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$145 for the Year End Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC # 979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

### PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

-----

FOR: Ferre 2010

FEC ID#: C00469247

AF#: 2422

PAYMENT AMOUNT DUE: \$145

FOR: Ferre 2010

FEC ID#: C00469247

AF#: 2422

PAYMENT AMOUNT DUE: \$145

3

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 003 \$ 0000014500 BA# 1 09-06-11 20 4



11092670697

**usbancorp.**  
The Bancorp. Company

|  |  |            |
|--|--|------------|
| FERRE 2010<br>CAMPAIGN ACCOUNT<br>P.O. BOX 800538<br>MIAMI, FL 33160 |  | 1210       |
| DATE AUG 29, 2011  |  | 63-108-870 |
| PAY TO THE ORDER OF FEDERAL ELECTION COMMISSION                      |  | \$145.00   |
| ONE HUNDRED AND FORTY FIVE AND XX/100                                |  | DOLLARS    |
| THE BANK OF MAMI, NA   |  |            |
| FEC ID# C00469247  |  |            |
| FOR AF# 2422   |  |            |



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2922

DATE SCANNED 10-5-11

SCANNER NO. 2

SCAN OPERATOR CMP

11092670698